

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00139

BRIAN DUNNIGAN

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On September 8, 2022, the United States of America appeared by Ryan A. Keefe, Assistant United States Attorney, and the defendant, Brian Dunnigan, appeared in person and by his counsel, Gerald M. Titus, III, for a hearing on the petition and Amendment to Petition seeking revocation of supervised release, submitted by Senior United States Probation Officer Patrick M. Fidler. The defendant commenced a four (4) year term of supervised release in this action on April 22, 2022, as more fully set forth in the Judgment in a Criminal Case entered by the court on January 5, 2016.

The court heard the admissions and objections of the defendant, and the representations and arguments of counsel.

The government informed the court that it would not pursue Violation Number 4 as set forth in the Amendment to Petition and therefore the court makes no ruling on Violation Number 4; and the defendant having ingested marijuana prior to entry upon supervised release, the court declines to find a violation under Violation Number 1.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found by a preponderance of the evidence that the defendant has violated the conditions of supervised release by committing violations in the following respects: (1) on April 22, 2022, the defendant commenced supervised release, and on April 26, 2022, the defendant failed to comply with the instruction of the probation officer that he contact a probation officer on April 26, 2022, and made himself unavailable at all times thereafter having in effect absconded from supervision; and (2) from April 25, 2022, until the filing of the petition, the defendant was not at the 2024 Hutchinson Street Apt. E, Charleston, West Virginia address provided to the Probation Officer, and the defendant failed to notify the probation officer of a change in his residence; all as admitted by the defendant, and as set forth in the petition on supervised

release, and by the court's findings on the record of the hearing.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

And the court having complied with the requirements of Rule 32.1(b)(2) and (c)(1) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, with credit for time served, to be followed by THREE AND ONE HALF ($3\frac{1}{2}$) YEARS of supervised release, upon the same terms and conditions as heretofore.

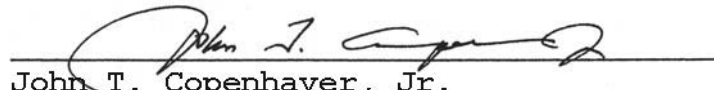
The court notes that the defendant has indicated that he has an infected hernia, and the court recommends that the

defendant be housed in a location where his medical condition can be properly treated.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: September 20, 2022


John T. Copenhaver, Jr.
Senior United States District Judge